



Attorney Docket No.: 71971-660
PATENT

TSW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Tsutomu SAKAKIBARA, et al.

Application No.: 10/585,512

Filed: July 10, 2006

Customer No. 53080

Confirmation No.: 4161

Group Art Unit: 2629

Examiner: ADAM J. SNYDER

For: DRIVE DEVICE AND DRIVE METHOD

ELECTION UNDER 35 U.S.C. § 121

Mail Stop Amendment
Hon. Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the restriction requirement set forth in the Office Action mailed April 27, 2009, having a shortened statutory period for response set to expire May 27, 2009, wherein the Examiner required restriction between the following distinct Species:

- | | | |
|--------------|---|---------------------------------|
| Species I | - | Species of Figs. 1 and 3; |
| Species II | - | Species of Figs. 4-10; |
| Species III | - | Species of Figs. 11 and 12; |
| Species IV | - | Species of Figs. 13-15; |
| Species V | - | Species of Figs 16-21; |
| Species VI | - | Species of Figs. 22-24; |
| Species VII | - | Species of Figs. 25 and 26; and |
| Species VIII | - | Species of Figs. 27 and 28. |

Applicants elect **Species I (Figures 1 and 3)**, with claims 1-4 and 15 readable thereon, for initial prosecution on the merits. Applicants also reserve the right to file a Divisional Application for the non-elected claims which the Examiner has indicated are patentably distinct.

Applicants believe that no extension of time is required. However, this conditional petition is being made to provide for the possibility that Applicants have inadvertently overlooked the need for a petition for extension of time.

The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No. 50-0417.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP



Michael E. Fogarty
Registration No.: 36,139

Date: 5/27/09

By:

600 13th Street, N.W., Suite 1200
Washington, D.C. 20005-3096
Telephone: 202 756 8000
Facsimile: 202 756 8087

WDC99 1726928-1.071971.0660